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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**CHRISTOPHER MCALARY'S EXHIBIT
AND WITNESS LIST IN CONNECTION
WITH EVIDENTIARY HEARING ON
MOTION TO APPROVE SETTLEMENT
AGREEMENT WITH COLE KEPRO
INTERNATIONAL, LLC PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9019**

Hearing Date: November 28, 2023
Hearing Time: 1:30 p.m.

Christopher McAlary ("Mr. McAlary") by and through his attorneys of record, Carlyon Cica

1 Chtd. and Diamond McCarthy LLP, hereby files his exhibit and witness lists in connection with the
 2 Evidentiary Hearing on Motion to Approve Settlement Agreement with Cole Kepro International,
 3 LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 (the “9019 Motion”).¹

4 **I. EXHIBITS**

EXHIBITS		Case Title			
		CASH CLOUD, INC., dba COIN CLOUD,		BK: <u>23-10423-MKN</u> ADV: _____	
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
		A		Cole Kepro and D&T Emails Dated June 9, 2021 through June 22, 2021 from D&T [ECF No. 1494]	
		B		Cash Cloud Inc. dba Coin Cloud Board Meeting December 10, 2021 Presentation [ECF No. 1494]	
		C		DT2151T Series Firmware Update Manual dated January 28, 2022 [ECF No. 1494]	

25 ¹ Christopher McAlary reserves the right to utilize other documents submitted prior to or in
 26 connection with the Motion; deposition transcripts for testimony given on or after November 21,
 27 2023, to utilize any exhibits identified by any other party; and to utilize additional exhibits for
 28 impeachment or in opposition to evidence which may be presented by other parties.

EXHIBITS		Case Title CASH CLOUD, INC., dba COIN CLOUD, BK: <u>23-10423-MKN</u> ADV: _____			
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
		D		Submission of Revised Bid for Litigation Claims Letter which my counsel transmitted to Brett Axelrod dated July 20, 2023 [ECF No. 1494]	
		E		Email from Dawn Cica to Bret Axelrod including the Asset Purchase Agreement which my counsel transmitted to Brett Axelrod sent August 2, 2023 [ECF No. 1494]	
		F		Dawn Cica’s August 21, 2023 transmittal email and the Asset Purchase Agreement transmitted to Brett Axelrod [ECF No. 1494]	
		G		Email from Christopher McAlary sent May 30, 2023 to Brett Axelrod [ECF No. 1494]	
		H		Email from Patricia Chlum sent August 4, 2023 to the major creditors requesting consent for shortened time	

EXHIBITS		Case Title			
		CASH CLOUD, INC., dba COIN CLOUD, BK: <u>23-10423-MKN</u> ADV: _____			
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
				for hearing on the Approval Motion at 2:05 PM [ECF No. 1494]	
		I		Email from Zachary Williams sent August 4, 2023 at 5:57 PM [ECF No. 1494]	
		J		Notes taken during those calls by Jeff Garon, CFO of Cash Cloud [ECF No.1494]	
		K		Declaration Under Oath Of Jasmine S. Westry in Regard to Objection to Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1489]	
		L		Declaration of Christopher McAlary in Support of Objection to Motion to Approve Settlement Agreement with Cole Kepro International LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1494]	

EXHIBITS		Case Title			
		CASH CLOUD, INC., dba COIN CLOUD,			
		BK: <u>23-10423-MKN</u>			
		ADV: _____			
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
		M		Request for Judicial Notice in Support of Opposition to Approval of Stipulation Granting Derivative Standing to The Official Committee of Unsecured Creditors with Respect to Certain Actions and Objection to Debtor's First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 [ECF No. 1074]	
		N		Complaint filed in EDCR Case No. A-22-854226-C [ECF 1074-2]	
		O		Plaintiff's Motion for Declaratory Judgment And For Stay of Arbitration Proceedings filed in EDCR Case No. A-22-854226-C [ECF No. 1074-3]	
		P		Civil Order to Statistically Close Case filed in EDCR Case No. A-22-854226-C [ECF No. 1074-15]	
		Q		Deposition Designation of Tanner James as The FRCP 30(B)(6) Designated Representative of Cash	

EXHIBITS		Case Title			
		CASH CLOUD, INC., dba COIN CLOUD, BK: <u>23-10423-MKN</u>			
		ADV: _____			
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
				Cloud, Inc., DbA Coin Cloud in Connection with Evidentiary Hearing on Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1490]	
		R		Deposition Designation of Corporate Representative for Cole Kepro International, LLC Fred Cook in Connection with Evidentiary Hearing on Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1491]	
		S		Deposition Designation of Chris Baird as FRBP Rule 7030(B)(6) Designee of The Official Committee of Unsecured Creditors in Connection with Evidentiary Hearing on Motion to Approve Settlement Agreement with	

EXHIBITS		Case Title			
		CASH CLOUD, INC., dba COIN CLOUD,			
		BK: <u>23-10423-MKN</u>			
		ADV: _____			
Offered	Admitted	Identification		Description	Offers Objections Rulings Exception
		#			
				Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No.1492]	
		T		Deposition Designation of Daniel Ayala in Connection with Evidentiary Hearing on Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 [ECF No. 1493]	

II. WITNESSES:

The following witnesses are being proffered by Mr. McAlary in connection with an evidentiary hearing. Each of the individuals listed below has provided direct testimony via declaration and will be available for cross-examination at the evidentiary hearing:

1. Christopher McAlary
c/o Dawn M. Cica
265 E. Warm Springs Road, #107
Las Vegas, NV 89119

In addition, Mr. McAlary reserves the right to call any witnesses providing declarations in connection with the 9019 Motion, and any witnesses designated by any other party.

Respectfully submitted this 21st day of November 2023.

CARLYON CICA CHTD.

/s/ Natasha Sharma, Esq.

CANDACE C. CARLYON, ESQ.

Nevada Bar No. 2666

DAWN M. CICA, ESQ.

Nevada Bar No. 4565

NATASHA SHARMA, ESQ.

Nevada Bar No. 16320

Counsel for Chris McAlary

and

DIAMOND MCCARTHY LLP

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(pro hac vice admitted)

Justin Strother, Esq.

(pro hac vice admitted)

Christopher D. Johnson, Esq.

(pro hac vice admitted)

Co-Counsel for Chris McAlary

CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Cristina Robertson

An employee of Carlyon Cica Chtd.